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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,946	12/09/2003	Ralph McCall	PUS-M012-001	2718
35246	7590	10/31/2006	EXAMINER	
MOETTELI & ASSOCIES SARL CASE POSTALE 486 GENEVA, CH-1211 SWITZERLAND			TIMBLIN, ROBERT M	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,946	MCCALL, RALPH	
	Examiner	Art Unit	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This office action is in response to application 10/729,946 and applicant's remarks and amendments filed 8/16/2006.

Responses to amendments follow below. Responses to arguments begin on page 6 of this document.

Response to Amendment

Amendments to the specification have been accepted and entered. Objections to claims 1,2,34 and 5 have also been accepted and entered. Therefore, the according objections have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 6 and similar claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by **Rasmussen et al.** ('Rasmussen') (US 2002/0126990 A1).

With respect to claim 6, **Rasmussen** teaches A method of determining points of insertion of E-interaction points in a story media for interacting with a customer relationship management module, the method comprised of the steps of:

‘screening the story media in front of at least one test subject instructed to identify points of interest in the media’ as the author tests hot spots and finds a region for the hot spots (0044). The hotspots may be tailored to an individuals interests (0032).

‘soliciting inputs of the at least one test subject in association with points of interest’ as making hot spots available to viewers in a demographic segment (0034).

‘analyzing inputs to identify points of interest suitable for E-interaction points for interacting with the customer relationship management module’ (0032-0033).

Claim Rejections - 35 USC § 103


The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen as applied to claim 6 above and in view of **Martin et al.** (‘Martin’) 2002/0120519 A1.

With respect to claims 1, 3 and 4, **Rasmussen** teaches A system for developing customer relationships with readers/viewers of a media for relating a story having a title, a body, an end, and dramatically created points of interest interspersed throughout the body, wherein the system comprises:

‘the media being traditional and electronic story media’ (abstract).



‘ a media storage device, the media being stored therein’ (0067).

‘the media has at least one contact aid encoded in the body of the story, proximate a point of interest’ (0025, 0034, and figures 1-2).

‘upon a user selection, the contact aid aids in establishing a channel of communication from which the reader/viewer can interact with the customer relationship management module (CRMM) regarding the point of interest’ (0034).

‘serving up appropriate portions of supplemental data to the reader/viewer’ (0073 and figure 8).

‘the contact aid being a mechanism is associated with an author or a character of the story’ (0044 and figure 3).

Rasmussen fails to teach a customer relationship management module (CRMM) and the CRMM capturing information about the reader/viewer and analyzing the captured information.

Martin, however, teaches **‘a customer relationship management module (CRMM)’** (0169) to establish and maintain relationships with the customers (0174).

‘the CRMM capturing information about the reader/viewer and analyzing the captured information’ (0166) to ensure that a consumer’s preferences are correlated with the services/products being acquired (0009).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of **Martin** would have provided **Rasmussen’s** system with maintaining relationships with the customers and furthermore ensuring a consumer’s preferences are correlated with the services/products being acquired.

With respect to claims 2 and 5, **Rasmussen** teaches **'the contact mechanism is selected from a group of contact mechanisms, including a character-specific postal address, telephone number, email, SMS, chat room address, IP address, web page address, activatable mailto hyperlink and hypertext link to a URL. (0034).**

With respect to claim 7, the limitations of this claim are essentially similar to claims 1, 3, and 4 above and therefore rejected for the same reasons set forth in those claims. Furthermore, **Rasmussen** fails to teach configuring Customer Relations Management module so as to interact with an anticipated reader/viewer in response to identified needs/interests so as to improve sales of the products.

Martin, however, teaches this limitation as correlating user needs with providers' goods and services (abstract and 0008) to establishing and maintaining relationships with a retailer's customers (0174).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of **Martin** would have provided **Rasmussen's** system with the benefit of establishing and maintaining relationships with a retailer's customers (0174). This benefit would lead to customer loyalty and thus an improvement in sales.\

With respect to claim 10, the limitations of this claim are similar to those of 1-5 and 7 above and are rejected for the same reasons set forth in those claims.

With respect to claim 10, Rasmussen teaches inserting the E-interaction points within the story media proximate the points of interest (0025, 0034, and figures 1-2).

Rasmussen fails to teach configuring Customer Relations Management module so as to interact with an anticipated reader/viewer in response to identified needs/interests so as to improve sales of the products.

Configuring the customer Relations Management module so as to interact with an anticipated reader/viewer in response to an identified need/interest and to offer for sale the appropriate products.

Martin, however, teaches this limitation as correlating user needs with providers' goods and services (abstract and 0008) to establishing and maintaining relationships with a retailer's customers (0174).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of **Martin** would have provided Rasmussen's system with the benefit of establishing and maintaining relationships with a retailer's customers (0174). This benefit would lead to customer loyalty and thus an improvement in sales.

Response to Arguments

Applicant's arguments filed 8/16/2006 have been fully considered but they are not persuasive.

The Applicant argues on page 9, first paragraph of the remarks, that a *prima facie case* of obviousness has not been established because the cited reference fails to teach or suggest all the claimed limitations. The Examiner respectfully disagrees. The explanation is as follows:

The claim as amended further clarifies the media to be that of traditional and electronic story media.

Cited from the applicant's disclosure at page 13, paragraph 0074, the Applicant provides a definition of *traditional* media. Specifically, "various traditional forms of media 14, may be used for the invention, including books, journals, cinema, television, the internet, and all other media methods employed for presenting stories to readers/viewers."

From this definition, one can gather that the media of Rasmussen correlates to the Applicant's traditional form of media. Specifically, the streaming video of Rasmussen would equate to a cinema in this case.

Furthermore, traditional media is implied as being used by Rasmussen in paragraph 0012. Therein, Rasmussen's invention uses a set to box on a video screen. This teaching relates to the television aspect of the claimed invention. Rasmussen's invention pertaining to television is explicitly found in paragraph 0003.

The applicant also argues starting on page 9 that Rasmussen fails to teach all the limitations of claims 2 and 5. The Examiner respectfully disagrees as the email or web address of Rasmussen (paragraph 0034) correlate to the contact mechanisms of the present invention. That is, these contact mechanisms of Rasmussen are *included* in the *group* of contact

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mechanisms of the Applicant's invention. As the claim reads, only one of the contact mechanisms need to be taught by the Rasmussen reference.

In conclusion, these features as still being taught by Rasmussen make obvious the present invention. Therefore, a *prima facie* case of obviousness has been established.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin



Patent Examiner AU 2167

RMT
10/17/2006



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